

JUSTIFICATION STATEMENT
FOR ZONING MAP AMENDMENT APPLICATION OF
WELLINGTON III, LLC

WEDGEWOOD WEST MXD

The Applicant hereby submits this request to rezone the property described on Exhibit A attached hereto, which property is more particularly described as "Remainder" as depicted on a plat of subdivision entitled, "Preliminary/Final Plat, Wellington Commercial Holdings, LLC, Lots 1 & 2 and Remainder" recorded in Plat Book 83, page 11 among the Plat Records for Frederick County, Maryland, containing 2.82 acres, such property sometimes hereinafter referred to as the "Subject Property." The Subject Property is a 2.82 acre parcel zoned Limited Industrial (LI), and is located adjacent to the existing Wedgewood West MXD, separated only by public road right of way. This application is for the purpose of requesting approval by the County Council for the rezoning of the Subject Property from LI to the Mixed Use Development (MXD) floating zone, and to add it to the existing Wedgewood West MXD.

HISTORY

The Wedgewood West MXD, formerly known as the "Younkins MXD," has been the subject of two (2) individual zoning cases. The first case, which is represented by Ordinance No. 06-40-436 and is dated November 16, 2006, resulted in the original MXD zoning of the former "Younkins" property, from the Agricultural (A) to the MXD floating zone. The 2006 rezoning of the Younkings property to MXD was a part of a combined application, which also resulted in the approval of the "Younkins PUD" located to the north of the Wedgewood West MXD, on the opposite side of English Muffin Way. The developers of the Wedgewood West MXD and the Younkings PUD are responsible for the construction of English Muffin Way through the entire site, which will provide the primary access to both the PUD and the MXD. The Wedgewood West MXD has a current approved site plan for the construction of six (6) flex space/warehouse buildings and a senior assisted living facility, which recently was approved. As of the filing of this application, two (2) of the warehouse buildings have been fully constructed and two (2) more are under construction.

Subsequent to the 2006 rezoning, a second rezoning application was filed for the purpose of adding three (3) parcels to the Wedgewood West MXD, which application resulted in Ordinance No. 08-10-486, dated June 19, 2008. By this ordinance, the size of the Wedgewood West MXD was increased by approximately 7.17 acres, bringing it to its current size of approximately 53.76 acres. A copy of both the 2006 and 2008 ordinances which established the MXD zoning on Wedgewood West are attached to this Justification Statement for convenience as Exhibits B and C respectively.

The current MXD development containing 53.76 acres, more or less, has a combination of Employment land use designation, Commercial land use designation and Open Space. With the proposed addition of the Subject Property, the total acreage of the MXD will be 56.58 acres, with a combination of land use designations for the entire enlarged MXD as follows:

	<u>Acre</u> s	<u>Percent</u>
Employment Use:	36.35 acres	(64.25%)
Commercial Use:	8.91 acres	(15.75%)
Open Space:	11.32 acres	(20%)

CURRENT REQUEST

This application is for approval of the application of the MXD floating zone to the Subject Property, and to add the Subject Property to the existing Wedgewood West MXD. With the mix of land uses as set forth immediately above, the land use allocation of the entire MXD will be well within the limits set forth in Section 1-19-10.500.7(B). The 15.75% amount of commercial land use which would be the result of approval of this application is under the maximum of 45% of gross project acreage. The Applicant further believes that this request is appropriate, in that it adds a 2.82 acre parcel presently zoned LI to an MXD, thereby increasing the flexibility of development standards for the Subject Property, and also increasing its utility, as a small stand-alone parcel of Limited Industrial property is extremely difficult to develop in the current market. As commercial property, and a portion of the Wedgewood West MXD, there will be significant opportunity to find a use which will not only complement the existing MXD, but will serve the adjoining residential and industrial zoned properties immediately on the opposite side of roadways from the Subject Property, and in the vicinity.

SPECIFIC CRITERIA

Pursuant to Section 1-19-10.500.3, a number of criteria are listed for consideration by the County Council in their review of a request for a Planned Development District, in this case an MXD. These criteria are as follows:

(A) The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities.

RESPONSE: The Subject Property is located at the intersection of English Muffin Way and New Design Road, two (2) major county thoroughfares constructed within the last 5-15 years. These roadways have significant capacity. Additionally, the project has access to public water and sewer and is classified W3-S3 on the County Water and Sewer Plan. Little if any extension of public infrastructure is necessary for the development of the Subject Property. Design principles will be followed that will be consistent with the design and development of the balance of the Wedgewood West MXD, which has received approval by the Frederick County Planning Commission.

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans.

RESPONSE: The County Comprehensive Plan designates this property for Limited Industrial uses, which makes it eligible for application of the MXD floating zone. As stated above, application of the MXD zone will provide greater flexibility in establishing a use on the Subject Property which will not only complement the existing MXD under construction, but also provide goods and/or services for this region of Frederick County.

Furthermore, the County Comprehensive Plan identifies certain "Goals" and "Policies," which are to guide County decision making in determining the suitable location(s) for various land uses. The following Goals/Policies are pertinent to this application:

1. Policy ED-P-02 and ED-P-05. These policies encourage employment uses and "commercial facilities" be located within community growth areas, where public infrastructure is planned or already in place. As stated elsewhere in this Justification Statement, the Subject Property is located at the intersection of two major county roads, with sewer and water available.
2. Goal MG-G-09. The Applicant proposes to add the Subject Property to an existing Mixed Use Development, which already is approved for a variety of uses. This application, if approved, will continue the theme of Wedgewood West as a development with a diverse complement of land uses.

(C) The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening landscaping, or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans.

RESPONSE: As stated above, the design and development of the Subject Property will be consistent with the ongoing construction of the balance of the Wedgewood West MXD, and therefore will be in harmony not only with the neighborhood and the region, but with the Comprehensive Plan.

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space.

RESPONSE: As stated above, the Subject Property is at the intersection of two (2) fairly recently constructed county roads, which have significant capacity. It is located in an area of vibrant and successful residential and employment uses, and will be an appropriate addition to the existing and planned development in this area.

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling.

RESPONSE: As stated above, the road network to serve the Subject Property is in place. Additionally, it should be noted that the existing Wedgewood West MXD, now under construction, has received full approval under the provisions of the Adequate Public Facilities Ordinance for road intersections and links. The Subject Property will be tested for APFO roads capacity as a part of the Phase 2 approval.

Joe Caloggero of the The Traffic Group has prepared a preliminary analysis indicating projected Average Daily Traffic which would be generated by the anticipated future use(s) to be conducted on the Subject Property. This analysis dated November 4, 2016, is attached hereto as Exhibit D.

(F) The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space.

RESPONSE: The existing Wedgewood West MXD has taken into consideration all the factors described above, and the Subject Property will have easy access to the balance of the MXD. Twenty percent (20%) of the overall MXD will be dedicated to open space, and pedestrian connections have been included as part of the existing MXD approval.

(G) Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus.

RESPONSE: Fire and emergency medical response times have been taken into consideration in the approval of the existing Wedgewood West MXD and it should be noted that the Westview Fire Station is in the vicinity of the Subject Property.

(H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15-2 of the Frederick County Code.

RESPONSE: Natural features of the site have been well considered during the approval process for the Wedgewood West MXD. The location and design of the open space in the project has taken these features into consideration, and the project currently has an approved Forest Conservation Plan as part of the approvals which have been obtained for the Wedgewood West MXD.

(I) The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans.

RESPONSE: As stated above, the Subject Property is located in a region of the County that is characterized by a mix of land use designations per the Frederick County Comprehensive Plan. There are light industrial, warehouse, office, commercial and residential uses all within the vicinity of the Subject Property, all in accordance with the Comprehensive Plan. The Zoning Ordinance provides that the MXD floating zone is appropriate for land designated Limited Industrial on the Comprehensive Plan, and therefore adding the Subject Property to the Wedgewood West MXD is consistent with the purpose and intent of the County Comprehensive Plan.

(J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.

RESPONSE: Please see responses to items A, D, E and G above.

GENERAL APPROVAL CRITERIA

Pursuant to Section 1-19-3.110.4, the following criteria are to be considered by the Planning Commission and the County Council in their review of a request for a zoning map amendment:

(1) Consistency with the Comprehensive Plan.

RESPONSE: Please see discussion in Specific Criteria section above. The Subject Property is located in a region of the County which is characterized by diverse land uses. The Subject Property has a County Comprehensive Plan designation of Limited Industrial, and is therefore appropriate for the application of the MXD floating zone.

(2) Availability of public facilities.

RESPONSE: The Subject Property is located at the intersection of two (2) recently constructed county roads, with significant capacity. The Subject Property is served by public water and sewer and carries a water and sewer classification of W-3/S-3. An easement has previously been reserved in the MXD to accommodate public transportation.

(3) Adequacy of existing and future transportation systems.

RESPONSE: Please see discussion above and in Specific Criteria section. Road access to the Subject Property is more than adequate.

(4) Compatibility with existing and proposed development.

RESPONSE: As stated above, the Subject Property is adjacent to properties zoned MXD, Limited Industrial, and Planned Unit Development. This region has experienced and is appropriate for a variety of land uses. The road network supports such a variety of land uses, and adding the Subject Property to the MXD will increase flexibility in design, planning and development of the Subject Property and will provide a benefit to the neighborhood.

(5) Population change.

RESPONSE: There is no residential component to this request, and therefore there is no change in population by reason of this request.

(6) Timing of development and facilities.

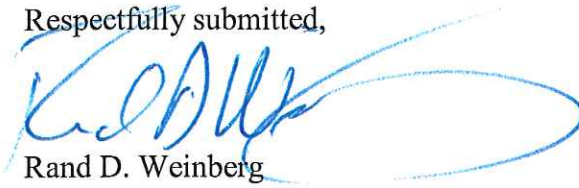
RESPONSE: It is likely that all or substantially all of the construction which will be completed on the Subject Property in the event this request is approved will be completed in one phase. For the timing and phasing of development of the balance of the Wedgewood West MXD, please see the prior approvals of the MXD.

CONCLUSION

As stated above, this request is to rezone the Subject Property from its current LI zoning to the MXD floating zone and add it to and incorporate it into the existing Wedgewood West MXD. The Wedgewood West MXD as it is presently constituted has significant capacity for additional commercial land. This request is to designate the Subject Property for Commercial use, which is appropriate given the overall size and scope of the MXD, and given that even with this addition the MXD will contain far less than the maximum allowable Commercial acreage. The Wedgewood West MXD and the Subject Property are under common ownership, and have been for many years. During this time, the Applicant has attempted to find a user or users for the Subject Property in accordance with its existing LI zoning. The Applicant has found it very challenging, at best, to utilize such a small parcel for uses permitted only in the LI zone. By approving this request, the County Council will be recognizing that the highest and best use of this property is to incorporate it within the existing MXD, with a Commercial land use. With the MXD zoning, there are additional aesthetic, design and other protections which will be available to the County in reviewing and approving proposed development of the Subject Property. Furthermore, the Applicant believes that with the approval of this request an appropriate user can be found for the Subject Property, thereby providing jobs and additional tax base to the County. The Applicant firmly believes that approval of this request is in the best interest of the Subject

Property, the Applicant, the neighborhood, and the County as a whole, and respectfully requests approval of this request by the County Council.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Rand D. Weinberg", with a large, sweeping flourish extending to the right.

Rand D. Weinberg
Miles & Stockbridge P.C.
Attorney for Applicant

THE EFFECTIVE DATE OF THIS ORDINANCE IS NOVEMBER 16, 2006

ORDINANCE NO. 06-40-436

OPINION, FINDINGS AND ORDINANCE
OF
THE BOARD OF COUNTY COMMISSIONERS
OF
FREDERICK COUNTY, MARYLAND

RE: APPLICATION OF TOLL BROTHERS, INC.

REZONING CASE NO. R-05-07

OPINIONS/FINDINGS

Toll Brothers, Inc. filed this application to change the zoning classification of 50.58 acres of land, more or less, from the Agriculture (A) zone to the Mixed Use Development (MXD) floating zone, all as more fully described in the record. The property is located on the north corner of Elmer Derr Road and New Design Road in the Adamstown Planning Region.

The applicant is requesting to rezone a 93.73 acre parcel, commonly referred to as the "Younkins Farm" from Agriculture (A) into two separate floating zone categories: this Mixed Use Development (MXD) and a Planned Unit Development (PUD) application (Case No. R-05-08). The site under consideration for the MXD zone is a 50.58 acre portion of the 93.73 acre parcel.

Frederick County Planning and Zoning Division staff recommended approval of the request with three conditions. The Frederick County Planning Commissioner voted to recommend approval of the request, with denial of the

residential component, making the land use for the entire site industrial and commercial.

Based on all the evidence submitted in this case, the Board makes the following specific findings of fact (in addition to the finding above) on each of the matters mentioned in Md. Code Annotated, Article 66B, § 4.05(a):

1. POPULATION CHANGE

The current population of the one-mile neighborhood as defined in the Staff Report is 3,733. With a potential for 153 dwellings, the development could have a population of 460 based on an average household size of 3.01 people per household for this neighborhood.

2. AVAILABILITY OF PUBLIC FACILITIES

A. SCHOOLS

As of December 31, 2005, Tuscarora Elementary School is at 104% of capacity, Crestwood Middle School is at 89% capacity and Tuscarora High School is at 118% of capacity. The pupil yield from the residential units would be approximately 33 elementary, 14 middle school and 14 high school students. This pupil yield is based on 153 townhouse and two over two units and uses the pupil yield factors for the schools serving the site.

B. FIRE AND RESCUE SERVICES

The proposed MXD would be served by the Westview Station (United Steam Fire Engine Company No. 3) located at 5225 New Design Road, located approximately 1.75 miles from the site. Emergency services are also available from the Jefferson Volunteer Fire Company, the Braddock Heights

Volunteer Fire Company and the Carroll Manor Volunteer Fire Company, all located between four and five miles from the site. The furthest point within the proposed MXD would be located less than 1.75 miles from the existing Westview Station, which is within the General Service Area Guidelines of the Frederick County Comprehensive Plan (Volume 1, 2000).

C. POLICE SERVICE

Police protection will be provided by the Frederick County Sheriff's Department and the Maryland State Police. The nearest Sheriff's Department facility is located at the Law Enforcement Complex on Airport Drive, approximately 6 miles from the site.

D. PARKS AND RECREATION FACILITIES

The 127 acre County-owned Ballenger Creek District Park is located approximately 1.25 miles from the site. Available amenities at the park include baseball fields, tot lots, picnic areas and volleyball. The 426 acre federally owned Monocacy National Battlefield is located approximately two miles from the site.

E. LIBRARIES

The Ballenger Creek area is currently served by the central library facility - C. Burr Artz Library - located on East Patrick Street in Frederick City, approximately 5 miles from the site.

F. WATER AND SEWER

The current sewer service classification of the site is S-4 DEV, indicating service within 4 to 6 years. The current water service classification is W-4 DEV, indicating service within 4 to 6 years.

Public water and sewer service are presently provided to the site. Water service is provided via a ten-inch line. Both water and sewer lines are located in the right-of-way of New Design Road. Water comes from the Potomac River through the New Design Road Water Treatment Plant. Sewage treatment is provided by the Ballenger Creek Wastewater Treatment Plant; with discharge of treated effluent to the Monocacy River. There is limited remaining capacity at the Ballenger Wastewater Treatment Plant; additional capacity will be provided with a planned addition to this facility, to be called the McKinney Wastewater Treatment Plant.

The current FY 2006-2011 Capital Improvements Program identifies funding for phase one of the McKinney Wastewater Treatment Plant scheduled for fiscal year 2006. Completion of phase one will provide an additional 6 million gallons per day of sewage treatment capacity, with an ultimate capacity of approximately 18 million gallons per day. With the construction of the McKinney Wastewater Treatment Plant, the existing 24 inch water line serving the site will be converted to a treated sewage effluent flow line.

Water service for the MXD will be provided by a proposed sixteen inch waterline that will extend southward along Ballenger Creek Pike from

Lambert Drive to a terminus at Elmer Derr Road adjacent to the site. A sixteen inch feeder line is proposed by the Linton Farm PUD developer connecting to the waterline along Ballenger Creek Pike and extending through to the MXD property line.

G. SUMMARY

Public facilities are or will be available to serve the proposed development, in light of its approval without a residential component.

3. PRESENT AND FUTURE TRANSPORTATION PATTERNS

The property is located at the northwest corner of New Design Road and Elmer Derr Road. New Design Road is a north-south major arterial, and one of four primary north-south routes through the Adamstown Planning Region (together with Ballenger Creek Pike, Buckeystown Pike and US Rt. 15). New Design Road is flanked on the east by Buckeystown Pike and on the west by Ballenger Creek Pike.

English Muffin Way runs east-west and is designated a major arterial in the Adamstown Region Plan. It currently dead-ends into the site from the east. The applicant has offered to extend English Muffin Way through the site to Elmer Derr Road. With the completion of Elmer Derr Road through the property, English Muffin Way will be a major arterial from its intersection with Buckeystown Pike to US Rt. 15.

Traffic counts conducted by the Maryland State Highway Administration in 2004 report the following average annual daily traffic on major roads in the vicinity of the MXD:

New Design Road south of English Muffin Way
Northbound: 2,173
Southbound: 2,614

The Adamstown Region Plan provides for the extension of English Muffin Way to create an east-west connector through the Adamstown Region, connecting all major north-south routes. The applicant has offered to construct the extension of English Muffin Way across the property to County standards for a major arterial road. The applicant has indicated that construction of English Muffin Way will be phased in conjunction with the requirements for the development of the MXD.

4. COMPATIBILITY WITH EXISTING AND PROPOSED
DEVELOPMENT FOR THE AREA

A. ADJOINING LAND USES

The site is located at the juncture of agricultural, industrial and residential uses. Much of the residential development is to the north of the site, industrial development is to the south and east, and agricultural land to the west.

The residential development on the northeastern and northwestern sides of the site includes the Wellington Trace PUD and the Linton Farm PUD. The Wellington Trace development is built at an approved density of 4.9 units per acre. The Linton Farm PUD was granted Phase II conditional approval in October of 2004 and the portion of that development that adjoins this site has a density of

10 - 14 dwelling units per acre and 14 - 20 dwelling units per acre. To the north of the Wellington Trace PUD is the Robin Meadows subdivision built as a density of 3.9 dwelling units per acre. All these developments are on public water and sewer.

The industrial and commercial development to the east and south of the site includes the Wedgewood Business Park, the Bowmans Plains Industrial Park, Tamko Asphalt, and a quarry owned by Essroc, a cement production company. To the southwest of the site is predominantly farmland.

Immediately across from the site on the southeast side of New Design Road is a property zoned Agriculture occupied by an electrical substation owned by Allegheny Power.

B. AGRICULTURAL PRESERVATION

A 106 acre farm parcel located immediately to the west of the project site is enrolled in the Agricultural Preservation Program as a Maryland Agricultural Land Preservation Foundation (MALPF) District. There are no other agricultural preservation districts in the surrounding area.

The Maryland Agricultural Land Preservation Foundation was established by the Maryland General Assembly in 1977 and is part of the Maryland Department of the Agriculture. The Foundation purchases agricultural preservation easements in defined districts that restrict development on prime farmland and woodland.

C. HISTORICAL AND CULTURAL SITES

There are no historic structures on the property. Located adjacent to the site to the south of the site along Elmer Derr Road, is a property listed in the Maryland Inventory of Historic Properties. The historic property is composed of farm buildings referred to as the E. D. Zimmerman "Manor" Property. It is composed of a mid-19th century frame Italianate influenced house with a one and one-half story back building, a frame bank barn, a livestock loafing shed, a milk house and other agricultural sheds and outbuildings.

D. RELATIONSHIP WITH NATURAL FEATURES

The site of the MXD is located in an area historically utilized for agriculture, but is rapidly being developed in residential and industrial uses. As a result, areas of open fields and limited woodlands are juxtaposed with landscaped areas surrounding residential and commercial development.

The site has modest slopes, with very few areas exceeding 15%. There are no documented floodplain soils on the site. It appears the topography of the site poses no constraints on the proposed MXD development.

5. RECOMMENDATION OF THE FREDERICK COUNTY PLANNING COMMISSION

The Frederick County Planning Commission recommended approval of the MXD floating zone with the three conditions recommended by Planning Division staff, and added as a fourth condition the recommended denial of the requested residential components, resulting in the use of the entire site for industrial and commercial uses.

6. RELATIONSHIP WITH THE FREDERICK COUNTY
COMPREHENSIVE PLAN

Based on a literal interpretation of the Comprehensive Plan Map in the Adamstown Region Plan, the proposed extension of English Muffin Way asymmetrically bisects the Younkens property and crosses the neighboring property (Linton Farm PUD) to connect with the existing intersection at Ballenger Creek Pike. The Comprehensive Plan Map designates the land to the north of this road alignment as Medium Density Residential, and the land to the south as Limited Industrial.

During the approval process of the Linton Farm PUD, it was decided that the actual road alignment for the proposed extension of English Muffin Way would be moved to the south to intersect with Elmer Derr Road instead of Ballenger Creek Pike. It is determined in this case the intent of the Region Plan was that the road alignment would define the boundary between land use designations. Therefore, as the actual road alignment was modified from that shown in the Adamstown Region Plan, so too will the boundaries of the land use designations be modified.

More generally, properties are eligible for MXD zoning if they are designated Office/Research or Limited Industrial in the Comprehensive Plan. The portion of the Younkens Farm parcel located south of the proposed extension of English Muffin Way is designated Limited Industrial in the Adamstown Region Plan. This area, therefore, is eligible for application of the MXD floating zone.

Based on all the evidence submitted in this matter, the Board of County Commissioners determines that this project concept is both feasible and desirable. The Board determines that the MXD district satisfies the objectives and requirements set forth in subsections A through G of Frederick County Code § 1-19-324 with the conditions below. This proposed MXD satisfies the purposes and objectives of the MXD district. This proposed MXD allows for the introduction of a mixture of uses in an integrated manner while encouraging an efficient use of the land. This proposal also creates an environment that ensures the integration and compatibility of the project with existing and proposed surrounding development.

This site has a classification of at least W4/S4 on the County Water and Sewerage Plan and this site, with its companion PUD application, is consistent with the "community concept" of development as described in the County Comprehensive Plan. This property is located adjacent to existing or planned arterial roads that are or will be adequate to service the proposed development. The proposed site is feasible for the MXD district and satisfies the MXD purpose, objectives and standards. The proposed MXD, with conditions, is compatible with the existing uses in the neighborhood and with the proposed uses for the neighborhood as shown on the County Comprehensive Plan.

The maximum permitted land use mix percentage residential portion is 0%, for the commercial portion up to 45%, and for the employment portion up to 65%.

The proposed MXD floating zone classification will be granted subject to the conditions stated below.

ORDINANCE

BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that for the reasons set forth above, Rezoning Case No. R-05-07 is hereby **GRANTED** for the reclassification of 50.58 acres of land, more or less (as delineated in the record), from the Agricultural (A) zone to the Mixed Unit Development (MXD) Floating Zone, subject to the following conditions¹:

1. The applicant shall dedicate to the County a minimum of a 100 foot right-of-way for the extension of English Muffin Way.
2. The applicant shall design and construct the extension of English Muffin Way subject to the review and approval of the County's Division of Public Works.
3. Architectural renderings of the employment uses are to be provided at the Phase II review.
4. The proposed residential component is denied; the entire site is allowed to be used for commercial and employment uses with English Muffin Way acting as a buffer for the residential uses proposed in the companion PUD application.

The conditions included as part of the granting of this MXD floating zone request are deemed necessary for the health, safety and welfare of the community; are imposed as an integral part of this approval; and are not separable

¹ The term "applicant" or "developer" as used in this Ordinance includes all present and future owners and developers of the property. These conditions run with the land.

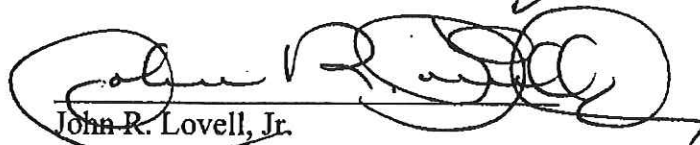
from the decision to grant the requested floating zone application. If, for any reason, a court of competent jurisdiction finds that any material portion of any of these conditions is substantially invalid or unenforceable, the zoning shall revert to the previous Agriculture (A) zoning classification.

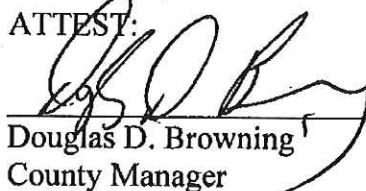
AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD, that the Zoning Administrator is hereby authorized and directed to make the appropriate change on the Zoning Map showing this reclassification, with conditions, as indicated above.

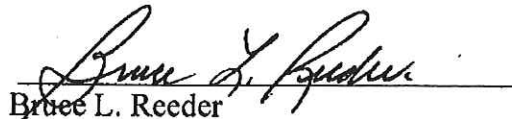
The undersigned hereby certify that this Ordinance was approved and adopted on the 16th day of November, 2006.

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: 
Michael L. Cady, Vice President


John R. Lovell, Jr.

ATTEST:

Douglas D. Browning
County Manager


Bruce L. Reeder

Commissioners John L. Thompson, Jr. voted against the proposed reclassification. Commissioner Jan H. Gardner was absent.

MJC 11/16/06

THE EFFECTIVE DATE OF THIS ORDINANCE IS JUNE 19, 2008

ORDINANCE NO. 08-10-486

OPINION, FINDINGS AND ORDINANCE
OF
BOARD OF COUNTY COMMISSIONERS
OF
FREDERICK COUNTY, MARYLAND

RE: APPLICATION OF WELLINGTON II/YBC INVESTORS, LLC
REZONING CASE NO. R-07-01

OPINIONS/FINDINGS

Wellington II/YBC Investors LLC ("Applicant") filed this application to rezone 7.17 acres, more or less, from Agriculture (A) to Mixed Use Development (MXD), and to revise the original Phase I Concept Plan for the Younkens MXD, all as more fully described in the record. The Applicant is requesting to rezone three (3) parcels of land adjacent to the previously approved Younkens MXD, with the intent to incorporate the three parcels into a revised Phase I Concept Plan for the mixed-use development planned for the south end of the Younkens MXD property, below the proposed English Muffin Way extension. The three parcels are situated on New Design Road. The Applicant proposes to integrate the three parcels into the Younkens MXD.

The Board of County Commissioners of Frederick County, Maryland (the "Board") granted approval of the requested rezoning of the Younkens MXD property and associated Phase I Concept Plan on November 16, 2006, by Ordinance No. 06-40-436. As approved, the Younkens MXD includes all of the land south of the proposed English

Muffin Way extension, north of New Design Road and east of Elmer Derr Road, except for these three parcels.

The Younkins MXD presently contains 50.55 acres of land, more or less; the present application proposes to increase the Younkins MXD property to 57.99 acres of land, more or less. The Applicant has submitted a revised Phase I Concept Plan for the Younkins MXD which proposes to utilize two of the parcels in this application for employment uses and the third parcel for commercial development. The maximum land use percentages set by the Board in Ordinance No. 06-04-436 are 0% residential, up to 45% commercial and up to 65% employment. The proposed addition of the 7.17 acres would not exceed these maximum land use percentages.

The Frederick County Planning Commission voted to recommend approval of the request with six conditions.

Based on all of the evidence submitted in this case, the Board makes the following specific findings of fact (in addition to the findings above) on each of the matters mentioned in Md. Code Ann., Art. 66B, § 4.05(a):

1. POPULATION CHANGE: This application does not include a residential development component. No new population is anticipated as a result of this rezoning request.
2. AVAILABILITY OF PUBLIC FACILITIES:

A. SCHOOLS

This application does not include a residential component. No impact on the school system is anticipated as a result of this rezoning request.

B. FIRE AND RESCUE SERVICES

The site is served by the Westview Station (United Steam Fire Engine Company No. 3) located at 5225 New Design Road, north of Crestwood Boulevard. This station is situated approximately 1.75 miles from the site. Emergency services are also available from the Jefferson Volunteer Fire Company, the Braddock Heights Volunteer Fire Company, all of which are located between four and five miles from the site.

C. POLICE SERVICE

Police protection to the site is provided by the Frederick County Sheriff's Office and the Maryland State Police. The nearest Sheriff's Office facility is located on Airport Drive at the Frederick County Emergency Communications and Law Enforcement Complex.

D. PARKS AND RECREATION FACILITIES

This application does not include a residential development component. No impact on park and recreation facilities is anticipated as a result of this application.

E. LIBRARIES

This application does not include a residential development component. No impact on library facilities is anticipated as a result of this application.

F. WATER AND SEWER

Two of the parcels in this application are classified as S-4 DEV and W-4 DEV indicating sewer and water service within 4 to 6 years. The third parcel is classified S-3 DEV and W-3 DEV indicating sewer and water service within 1 to 3 years.

Public water and sewer are currently available to the site. A twelve inch sewer line is located within the right of way of New Design Road. Sewage treatment will occur at the Ballenger Creek-McKinney Wastewater Treatment Plant, which has existing capacity of 6 million gallons per day (MGD).

Water service will be provided by an existing sixteen inch water line to be extended from its current terminus at the intersection of New Design Road and English Muffin Way through the Younkens property to connect with the Linton PUD. Water to the site is provided from the New Design Water Treatment Plant. The New Design Water Treatment Plant is being expanded from its current capacity of 6.6 million gallons per day (GPD) to 15 million gallons per day. This project is funded for study, design and construction of Phase 2 in the Fiscal Year 2007 – 12 Capital Improvements Programs.

G. SUMMARY

As a mixed-use, commercial-employment development, the revised Younkens MXD will have little to no impact on schools, libraries, and park and recreation facilities. Police and fire protection are available and adequate to serve the proposed development.

The three subject parcels have S-3 DEV/W-3 DEV and S-4 DEV/W-4 DEV sewer and water classifications. Only S-4 DEV/W-4 is required for a MXD rezoning; the request is in compliance with County requirements.

3. PRESENT AND FUTURE TRANSPORTATION PATTERNS:

The Applicant proposes to integrate the three parcels which are the subject of the application with the existing Younkens MXD. The Younkens MXD is situated at the northwest corner of New Design Road and Elmer Derr Road. New Design Road is a north-south arterial road connecting the southern portion of the County with Frederick City. It is one of four primary north-south routes through the Adamstown Planning Region. The others are Ballenger Creek Pike (MD 351), Buckeystown Pike (MD 85), and US 15. Ballenger Creek Pike and US 15 are located west of New Design Road and Buckeystown Pike is located to the east.

English Muffin Way runs east-west and is designated a major arterial in the Adamstown Region Plan. It currently dead-ends into the Younkens MXD from the east but will be extended through to Elmer Derr Road by the developer. It is anticipated that English Muffin Way will ultimately be a major arterial from its intersection with Buckeystown Pike through to US 15 to the west.

Traffic counts conducted by the Maryland State Highway Administration in 2007 indicate the following average annual daily traffic trips on major roads in the vicinity of the proposed MXD:

New Design Road north of English Muffin Way

Northbound 5,349

Southbound 4,413

New Design Road south of English Muffin Way

Northbound 3,466

Southbound 3,063

This MXD rezoning application will add 2.08 acres, more or less, to the Employment/Industrial component and 3.65 acres, more or less, to the commercial component of the existing Younkens MXD.

An extension of English Muffin Way is proposed in the Adamstown Region Plan to provide an east-west connector through the Adamstown Planning Region to connect all major north-south routes. The existing Younkens MXD Phase I approval in 2006 was given with a condition that the developer/property owner design and construct the extension of English Muffin Way.

As part of the revised Phase I Concept Plan for the Younkens MXD, these three parcels will contribute to the planned extension of English Muffin Way. This will serve to improve the arterial road network within the Adamstown Planning Region by providing increased inter-county access across the Region. This MXD development will generate a significant number of new trips in the area, but will do so in the context of a moderate density Regional Community with commercial and employment destinations as well as residential neighborhoods.

4. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT IN THE AREA:

The three subject parcels are located at the juncture of three dominant land uses in the area: agricultural, industrial and residential. North of the site is residential development, to the south and east of the site is industrial development and agricultural uses are dominant to the west.

The three subject parcels are located immediately adjacent to the Younkens MXD and will be incorporated into a revised Phase I Concept Plan for the MXD. The Younkens PUD is located immediately north of the MXD.

These three parcels are situated within the growth boundary for the Ballenger Creek Regional Community. They are the last remaining parcels within the growth boundary that are currently zoned Agriculture; others have developed or built out in accordance with the land use plan depicted in the 2001 Adamstown Region Plan. Including the three parcels into the design concept for the Younkens MXD will be more compatible with existing and proposed development than if the properties remained in agricultural and rural uses.

5. RECOMMENDATION OF THE FREDERICK COUNTY PLANNING COMMISSION:

The Frederick County Planning Commission voted to recommend approval of the request for MXD zoning with a land use mix of "approximately" 49% employment, 25% commercial, 20% open space and 6% right of way as depicted by the Applicant on its Revised Phase I Concept Plan for the Younkens MXD. Specifically, the Frederick County Planning Commission recommended approval based on the findings provided in Section IX of the staff report with the six conditions recommended by Planning Staff, amending staff's condition 5 (relating to land use mix) by adding the word "approximately" before the land use mix percentages.

6. RELATIONSHIP WITH THE FREDERICK COUNTY COMPREHENSIVE PLAN:

The proposed MXD zoning is consistent with the Limited Industrial land use designation of parcels 1 and 2 in the 2001 Adamstown Region Plan. Although Parcel 3 is designated as Medium Density Residential by that Region Plan, the Younkens PUD rezoning Ordinance No. 06-40-436 provides that the English Muffin Way extension will define the boundary between residential uses (to the north, in the PUD) and employment/industrial uses (to the south, in the MXD).

These three parcels are located within the growth boundary for the Ballenger Creek Regional Community established in the 2001 Adamstown Region Plan. The proposed revised Younkens MXD Phase I Concept Plan land use mix is consistent with the MXD threshold requirements in the Zoning Ordinance and the maximum land use mix percentages approved by the Board in Ordinance No. 06-40-436, approving the Younkens MXD.

Based on all the evidence submitted in the matter, the Board of County Commissioners determines that this project concept is both feasible and desirable. The Board determines that the MXD district satisfies the objectives and requirements set forth in subsections A through G of Frederick County Code § 1-19-324 with the conditions below. The inclusion of these three properties in the revised Phase I Concept Plan of the Younkins MXD satisfies the purposes and objectives of the MXD district, and will allow for the introduction of a mixture of uses in an integrated manner while encouraging an efficient use of land. This proposal will also help to create an environment that ensures the integration and compatibility of the Younkins MXD project with existing and proposed surrounding development while acting as a focal point for the area. This proposal will foster a pedestrian friendly environment by the development of a comprehensive non-vehicular circulation network that links residential, commercial and employment areas as well as open spaces, public facilities and recreation areas. This proposal allows for development and design flexibility. This proposal, with the conditions below, accommodates mass transit services which exist or are planned in the vicinity of the MXD site.

This site has a classification of at least W4/S4 on the County Water and Sewerage Plan and this site is consistent with the "community concept" of development as described in the County Comprehensive Plan. This property is located adjacent to existing or planned arterial roads that are or will be adjacent to service the proposed development. This proposed site is feasible for the MXD district and satisfies the MXD

purposes, objectives and standards. The proposed MXD, with conditions, is compatible with the existing uses in the neighborhood as shown on the County Comprehensive Plan.

The Maximum Permitted Land use Mix percentage for the commercial and employment components shall be 65% employment, and 45% commercial as set forth in Ordinance 06-04-436, approving the Younkens MXD rezoning.

The proposed MXD floating zone classification will be granted subject to the conditions stated below.

ORDINANCE

BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that for the reasons set forth above, Rezoning Case No. R-07-01 is hereby GRANTED for the reclassification of 7.17 acres of land, more or less (as delineated in the record), from the Agriculture (A) zoning district to the Mixed use Development (MXD) floating zone, subject to the following conditions.¹

1. The Applicant shall dedicate to the County a minimum of a 100-foot right of way for the extension of English Muffin Way.
2. The Applicant shall design and construct the extension of English Muffin Way subject to the review and approval of the Frederick County Division of Public Works, in accordance with the sequencing schedule set forth in the application.
3. Architectural renderings of the employment uses are to be provided at the Phase II review.
4. The Revised Phase I Concept Plan for the Younkens MXD does not include a residential component; the entire site is allowed to be used for

¹ The term "developer", "Applicant" or "Owner" as used in the conditions of this Ordinance includes all present and future owners and developers of the property specifically including all heirs, successors and assigns (as may be applicable). These conditions run with the land.

commercial and employment uses with English Muffin Way acting as a buffer for the residential uses proposed in the Younkins PUD application.

5. The three parcels, totaling 7.17 acres, more or less, will be incorporated into a Revised Phase I Concept Plan for the Younkins MXD at the proposed land use mix of 49% employment; 25% commercial; 20% open space; and 6% right of way/dedication, subject to the Maximum Permitted Land Use Percentages of 65% employment and 45% commercial, as set forth in Ordinance No. 06-40-436.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD,

that the Zoning Administrator is hereby authorized and directed to make the appropriate change on the Zoning Map showing this reclassification, with conditions, as indicated above.

The undersigned hereby certify that this Ordinance was approved and adopted on the 19th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: Jan H. Gardner
Jan H. Gardner, President

Kai J. Hagen
Kai J. Hagen

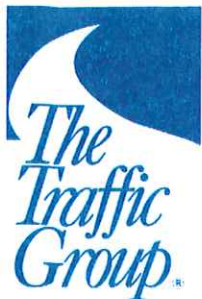
ATTEST:

Ronald A. Hart
Ronald A. Hart
County Manager

Charles A. Jenkins
Charles A. Jenkins

MJC 6/19/08

Commissioners John L. Thompson, Jr. voted against the proposed application.
Commissioner David P. Gray was absent.



A VETERAN-OWNED
SMALL BUSINESS

CORPORATE OFFICE
Baltimore, MD

Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236
410.931.6600
fax: 410.931.6601
1.800.583.8411

FIELD LOCATIONS

Arkansas
Maryland
New York
North Carolina
North Dakota
Ohio
Texas
Virginia
Washington State
West Virginia

November 4, 2016

Mr. Jim Gugel
Director
Frederick County
Department of Planning and Development Review
30 N. Market St.
Frederick, MD 21701

RE: Wedgewood West MXD
Frederick County, Maryland
Our Job No.: 2016-1102

Dear Mr. Gugel:

As requested, we have prepared Average Daily Traffic (ADT) Exhibits for your use in the Wedgewood West MXD Rezoning. Wedgewood West MXD is located in the southwest quadrant of the intersection of New Design Road and English Muffin Way in Frederick County, Maryland. At this time, this development is proposed with 35,000 Square Feet of Shopping Center Uses. Also, as part of this development, English Muffin Way will be extended from its existing terminus west of New Design Road to Elmer Derr Road.

Trip Generation for ADT was obtained from the *ITE Trip Generation Manual (9th Edition)* for 35,000 Square Feet of Shopping Center Uses. The Total ADT is estimated at 3,432 Trips Per Day, and we have utilized a conservative 40% Pass-By Trip Rate which reduces the Net New Trips Per Day to 2,059.

The following exhibits were utilized for this analysis:

Exhibit 1: The ADT New Trip Assignment along the major roadways surrounding the proposed development.

Exhibit 2: The ADT By-Pass Trip Assignment along the major roadway surrounding the proposed development.

If you have any questions, please let me know. Thank you.

Sincerely,

Joseph J. Caloggero, P.E., PTOE, PTP
Vice President

JJC:rek

(F:\2016\2016-1102_Wedgewood West MXD\DOCS\CORRESP\ANALYST\Ltr Rpt_TIS_Gugel.docx)

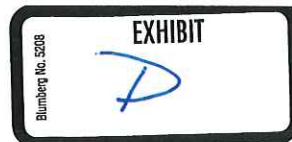
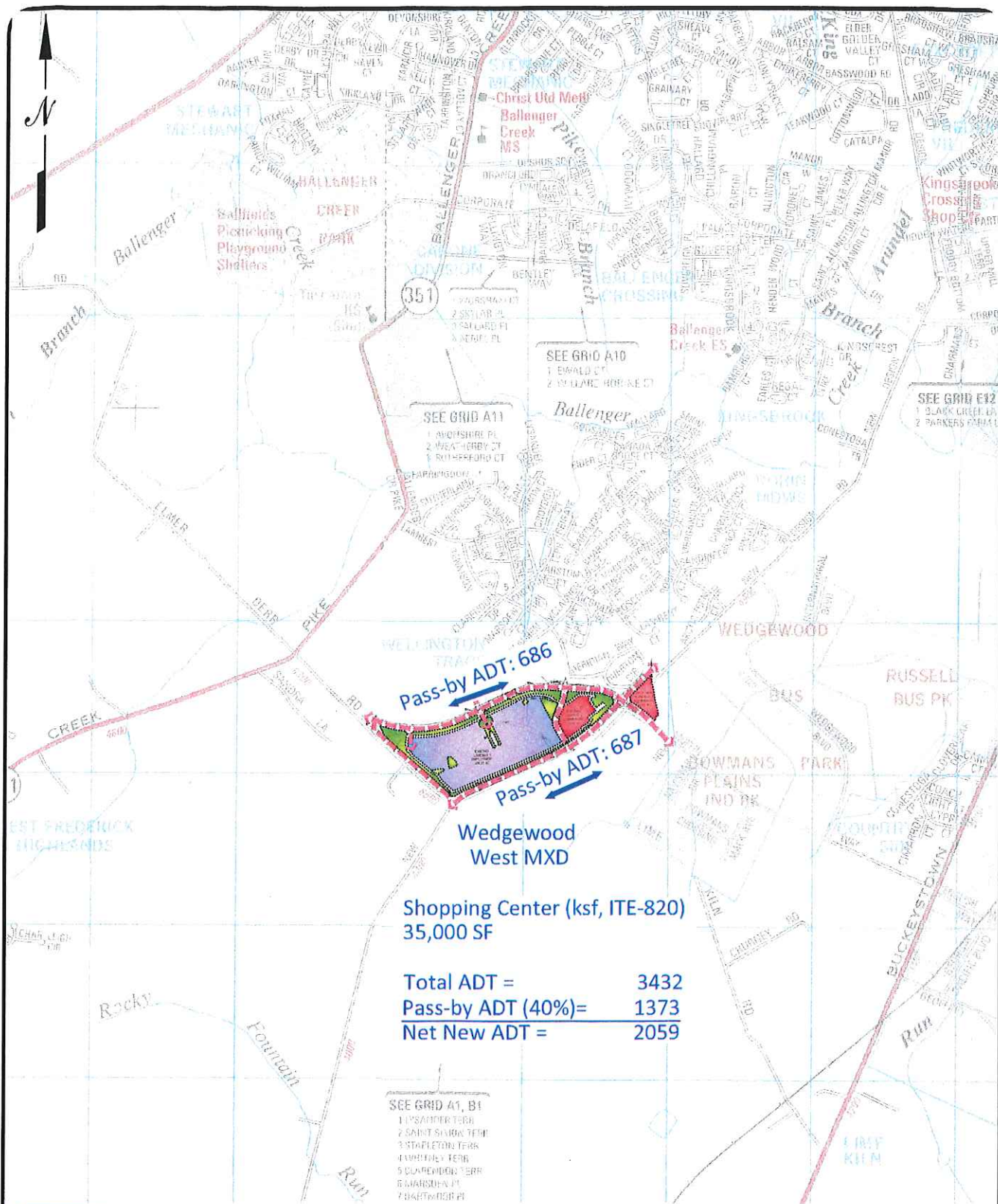




EXHIBIT 1
NEW TRIP ASSIGNMENT
(AVERAGE DAILY TRAFFIC)



NOT TO SCALE

EXHIBIT 1A PASS-BY TRIP ASSIGNMENT (AVERAGE DAILY TRAFFIC)

Real Property Data Search (w3)

Guide to searching the database

Search Result for FREDERICK COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 045334			
Owner Information					
Owner Name:		WELLINGTON III LLC		Use:	COMMERCIAL
Mailing Address:		C/O MATAN ACQUISITIONS 4600 WEDGEWOOD BLVD FREDERICK MD 21703		Principal Residence:	NO
				Deed Reference:	/06245/ 00374
Location & Structure Information					
Premises Address:		NEW DESIGN RD 0-0000		Legal Description:	2.82 ACRES NEW DESIGN RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0086	0007	0268		0000	2016 0083/0011
Special Tax Areas:				Town:	NONE
				Ad Valorem:	104
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			2.8200 AC	000000	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		491,300	491,300		
Improvements		0	0		
Total:		491,300	491,300	491,300	491,300
Preferential Land:		0			0
Transfer Information					
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016	07/01/2017		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

3 236

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of this 28th day of September, 2006, by **WELLINGTON COMMERCIAL HOLDINGS, LLC**, a Maryland limited liability company (the "Grantor"), unto **WELLINGTON III, LLC**, a Maryland limited liability company (the "Grantee").

WITNESSETH: That for and in consideration of Six Hundred Eighty Four Thousand Three Hundred Sixty Dollars (\$684,360.00), in hand paid by the Grantee, the receipt and sufficiency of which are acknowledged, the Grantor does hereby grant and convey, in fee simple, unto the Grantee, its successors and assigns, all that lot or parcel of land situate, lying and being in the Buckeystown Election District, Frederick County, Maryland, and more particularly described on **EXHIBIT A** attached hereto and by this reference made a part hereof.

TOGETHER WITH any improvements on such land, erected, made or being; and all and every rights-of-way, alleys, ways, waters, easements, privileges, appurtenances, and advantages, to the same belonging or in anywise appertaining, and all of the estate, title, right, interest and claim, either at law or in equity, or otherwise, of the Grantor of, in, to or out of the said land and premises, and all right, title and interest of the Grantor in and to the land lying in the bed of any street, road or highway (open or proposed) in front of, adjoining or servicing the above-described real property, including condemnation awards or payments in lieu thereof as a result of a change of grade, alignment or access rights.

SUBJECT TO all easements, conditions and restrictions of record insofar as the same may lawfully affect the property herein conveyed.

TO HAVE AND TO HOLD the above described real estate unto Wellington III, LLC, a Maryland limited liability company, it successors and assigns, in fee simple, forever.

AND the Grantor herein covenants that it will warrant specially the property herein conveyed, and the Grantor covenants to execute such further assurances as may be requisite for the conveyance made hereby.

[Signature on Following Page]

10/1/06

9/29/06

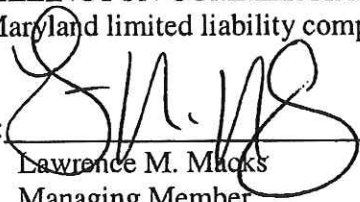
6845.00

IMP TO SURE	30.00
RECORDING FEE	20.00
IR TAX STATE	3,421.90
TOTAL	3,471.90
Sept 28, 2006	Sept 28, 2006
811 MAG	811 MAG
Ref 29, 2006	02:44 PM

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed and delivered, under seal, by its duly authorized Managing Member as of the date first above written.

WITNESS:

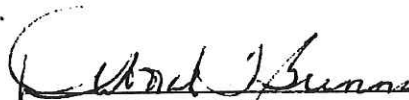
WELLINGTON COMMERCIAL HOLDINGS, LLC,
a Maryland limited liability company

By:  (Seal)
Lawrence M. Macks
Managing Member

STATE OF MARYLAND, COUNTY OF Carroll, TO WIT:

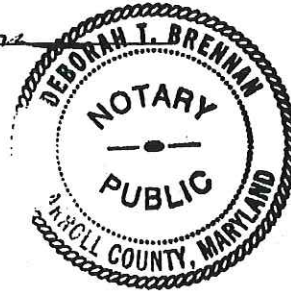
I hereby certify that on this 26 day of September, 2006, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Lawrence M. Macks, Managing Member of Wellington Commercial Holdings, LLC, a Maryland limited liability company, known to me or satisfactorily proven to be the person whose name is subscribed to the within Deed, and that he, as such Managing Member, being authorized so to do, executed the within Deed for the purposes therein contained by signing, in my presence, his name, as such Managing Member.

Witness my hand and Notarial Seal.



Notary Public

My commission expires:

4/5/2007



This instrument has been prepared under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Philip D. Topper, Jr.

MARYLAND INCOME TAX CERTIFICATION

Pursuant to §10-912 et seq. of the Tax-General Article of the Annotated Code of Maryland, as amended, the party named as Grantor in this Deed certifies to the Clerk of Court, under penalty to perjury, as follows:

- **Applicability/Inapplicability of Income Tax**

☒ No income tax due is because

- ☒ The Grantor is a Maryland resident or a Maryland resident entity.
☐ The property being transferred is the primary residence of Grantor.
☐ This transfer is exempt because _____.
☐ This transfer is exempt based on the attached Certificate of Full Exemption.
☐ The consideration is "zero", as set forth in the affidavit of no consideration contained in the acknowledgment clause portion of the within Deed.

☐ Tax is due in the amount of

_____, being 6% of the Total Payment – Grantor is a non-resident individual.

_____, being 7% of the Total Payment – Grantor is a non-resident entity.

GRANTOR:

WELLINGTON COMMERCIAL HOLDINGS, LLC,
a Maryland limited liability company

By: _____ (Seal)

Lawrence M. Macks
Managing Member

HARMS**JOHN E. HARMS, JR. & ASSOCIATES, INC.***engineers • planners • surveyors*

EXHIBIT A

Property Description

Wellington Commercial Holdings, LLC

Remainder

W.O. #: 08-05-0108

BEING part of that property acquired by Wellington Commercial Holdings, L.L.C. from AG-GRO Services Company LTD. by deed dated August 27, 1997 and recorded among the Land Records of Frederick County, Maryland, in Liber 2326 at Folio 710. Said property to be shown as a Remainder on a Plat of Subdivision entitled "Preliminary/Final Plat, Wellington Commercial Holdings, LLC, Lots 1 & 2 and Remainder" and intended to be recorded among the aforementioned Land Records, said property being more particularly described as follows:

BEGINNING for the same at a point on the eastern right of way line of New Design Road, said point being opposite centerline Station 54+10.98 as shown on Frederick County right of way Plat No. 282, thence running with said right of way line, as now surveyed

1. N 45° 20' 47" E, 479.52 feet to a point in the centerline of the existing right of way of English Muffin Court, thence leaving said eastern right of way line of New Design Road and running with said centerline of right of way of English Muffin Court
2. 173.06 feet along the arc of a non-tangential curve to the left having a radius of 391.74 feet and a chord bearing and distance of S 02° 02' 09" W, 171.65 feet to a point, thence
3. S 10° 37' 12" E, 437.44 feet to a point, thence leaving said centerline of right of way and crossing over English Muffin Court
4. S 79° 04' 22" W, 52.57 feet to a point, on the western right of way line of English Muffin Court, thence running with said western right of way line,
5. S 17° 45' 01" W, 74.41 feet to a point on the northern right of way line of English Muffin Way, said point being opposite centerline Station 5+40.00 as shown on Frederick County right of way Plat No. 292, thence running with said northern right of way line, as now surveyed
6. N 44° 19' 57" W, 82.21 feet to a point, thence
7. 225.17 feet along the arc of a curve to the left having a radius of 1250.00 feet and a chord bearing and distance of N 49° 29' 35" W, 224.87 feet to a point, thence
8. N 54° 39' 13" W, 132.04 feet to a point, thence
9. N 04° 39' 13" W, 64.27 feet to the Point of Beginning.

Containing 136,872 square feet or 3.142 acres of land.

\\Dell2600\Projects\Wedgewood - Wellington\08-05-0108\Desc\Property Description, Remainder.doc



41 East All Saints Street, Suite 210 • Frederick, MD 21701

301.631.2027 (t) • 301.631.2028 (f)

www.jharms.com



Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)
(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for County Validation